



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 371-00

25 May 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 11 April 1995 at age 18. The record shows that you received two nonjudicial punishments in 1997. Your offenses were disobedience and making a false official statement. On 25 February 1999 you received another nonjudicial punishment for conspiracy to commit a fraud and three instances of making a false official statement. The punishment imposed included forfeitures of pay totaling \$1,182 and a reduction in rate from GMS3 (E-4) to GMSSN (E-3). You were released from active duty on 10 April 1999 with your service characterized as honorable. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

There is no documentation in the record, and you have submitted none, to show that any of the charges against you were dropped after an investigation. The Board noted that the last nonjudicial punishment, for what appear to be relatively serious offenses, occurred only about 44 days prior to your release from active duty. The Board concluded that a record of three nonjudicial punishments was sufficient to support the assignment of an RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFELFFER  
Executive Director